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5 Attorneys for Defendants  
6 MARRIOTT INTERNATIONAL, INC.  
(Erroneously sued herein as Marriott of San  
7 Francisco) and SAM SNOWDEN

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 RICHARD E. WILMSHURST,  
12  
13 Plaintiff,

14 v.

15 MARRIOTT OF SAN FRANCISCO, SAM  
16 SNOWDEN, IGNATIUS CHINN,  
WILLIAM LOCKYER, BLAKE  
17 GRAHAM, LEE CAREAGA, JOHN  
MARSH, and KISU YO AND DOES 1  
through 100,

18 Defendants.

Case No. C-07-03790 WHA

**DECLARATION OF GAYLYNN KIRN  
CONANT AND REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF MOTION OF  
DEFENDANTS MARRIOTT  
INTERNATIONAL, INC. AND SAM  
SNOWDEN TO DISMISS PURSUANT TO  
FRCP 12(b)(5)**

Date: January 17, 2008  
Time: 8:00 a.m.  
Courtroom: 9  
Judge: Hon. William H. Alsup

19  
20 I, GayLynn Kirn Conant, declare as follows:

21 1. I am a partner at the law firm of Lombardi, Loper & Conant LLP, attorneys of  
22 record for Defendants Sam Snowden and Marriott International, Inc. (erroneously sued herein as  
23 Marriott of San Francisco). I have personal knowledge of all matters stated herein and could  
24 competently testify thereto if called upon as a witness.

25 2. Attached hereto as Exhibit A is a true and correct copy of the only item served on  
26 Marriott International, Inc.'s designated California Agent for Service of Process, Corporation  
27 Service Company (a division of Prentice-Hall Corporation, System, Inc.), Plaintiff's Case  
28 Management Conference Statement.

1           3. I am informed and believe that on November 20, 2007, defendant Sam Snowden  
2 was personally served with Summons and Complaint at the San Francisco Moscone Hotel (as  
3 reflected in Plaintiff's November 20, 2007 filing). November 20 was more than 120 days after  
4 plaintiff filed his Complaint in this action. Mr. Snowden is not an authorized agent for service of  
5 process for Marriott International, Inc.

6           I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th  
7 day of December, 2007, at Oakland, California.

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9   
10 GAYLYNN KIRN CONANT

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LOMBARDI, LOPER & CONANT, LLP  
Lake Merritt Plaza  
1999 Harrison Street, Suite 2600  
Oakland, CA 94612-3541

**EXHIBIT A**



CORPORATION SERVICE COMPANY

## Notice of Service of Process

TWS / ALL  
Transmittal Number: 5469415  
Date Processed: 12/03/2007

**Primary Contact:** Maureen Del Duca  
Marriott International, Inc.  
10400 Fernwood Road  
Bethesda, MD 20817

Copy of transmittal only provided to:

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<b>Entity:</b>	Marriott International, Inc. Entity ID Number 1722823
<b>Entity Served:</b>	Marriott of San Francisco
<b>Title of Action:</b>	Richard E. Wilmshurst vs. Marriott of San Francisco
<b>Document(s) Type:</b>	Other
<b>Nature of Action:</b>	Personal Injury
<b>Court:</b>	U.S. District Court, Northern District, California
<b>Case Number:</b>	C 07-03790 WHA
<b>Jurisdiction Served:</b>	California
<b>Date Served on CSC:</b>	11/30/2007
<b>Answer or Appearance Due:</b>	12/06/2007
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Regular Mail
<b>Sender Information:</b>	Richard E. Wilmshurst 209-736-4566

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P.O. BOX 33  
ANGELS CAMP, CA 95222

Marriott of San Francisco  
c/o Agent April Guss/CSC-Lawyers Inc.  
2730 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

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3 Telephone: (209) 736-4566  
Facsimile: (209) 736-4569  
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8 UNITED STATES DISTRICT COURT  
9  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 RICHARD E. WILMSHURST,  
13  
14 Plaintiff,

15 vs.

16 MARRIOTT OF SAN FRANCISCO, SAM  
SNOWDEN, IGNATIUS CHINN, WILLIAM  
17 LOCKYER, BLAKE GRAHAM, LEE  
CAREAGA, JOHN MARSH, and KISU YO  
18 AND DOES 1 TROUGH 100,

19 Defendants.  
20

Case No. C 07-03790 WHA

**PLAINTIFF'S CASE MANAGEMENT  
STATEMENT**

Date: December 6, 2007  
Time: 11:00 a.m.  
Dept: Courtroom 9  
Judge: Honorable William Alsup

21  
22 Plaintiff, Richard E. Wilmschurst, J.D., pro se, in the above-entitled action submits this Case  
23 Management Conference Statement in preparation for the Case Management Conference scheduled  
24 for December 6, 2007.

25 All defendants in the above-entitled case have been served; however, the Answer to the  
26 Complaint has not been filed or served by any defendant, therefore plaintiff solely files this Case  
27 Management Statement.  
28

1           **1.       PLAINTIFF'S STATEMENT**

2           Plaintiff was physically harmed and humiliated from the defendants' actions. This is an  
3 action for monetary relief for violation of the Federal civil rights of plaintiff and for punitive  
4 damages. Plaintiff hopes that this case will ultimately result in settlement as to not drain on the  
5 time and resources of the Court.  
6

7           A.       Plaintiff requests that initial disclosures and a discovery plan pursuant to Fed. R.  
8 Civ. P. 26 shall be made by both parties on or before 30 days after Defendants file their answer in  
9 this matter.  
10

11           **2.       DESCRIPTION OF THE CASE**

12           A.       The Complaint alleges that defendants Igantius Chinn, Blake Graham, Lee Careaga,  
13 John Marsh and Kisu Yo attacked plaintiff and threw him to the ground injuring him. At the time  
14 of the attack, plaintiff was a guest at the Marriott Hotel and the Hotel was responsible for his  
15 safety. A San Francisco Marriott Hotel Security Guard, defendant Sam Snowden, participated in  
16 the attack.  
17

18           Based on the foregoing, plaintiff has alleged the following claims for relief:

19           (1) \$500,000 each for violation of Title 42 USCA § 1983 against defendants Igantius Chinn, Blake  
20 Graham, Lee Careaga, John Marsh and Kisu Yo; (2) \$500,000 for violation of Title 42 USCA §  
21 1983 against defendant San Francisco Marriott Security Guard, Sam Snowden; \$10,000,000  
22 against the San Francisco Marriott Hotel in violation of their duty to protect a guest; and any other  
23 punitive damages according to proof, subject to the discretion of the jury.  
24

25           ////

26           ////

27           ////  
28

1           **3.       DISCOVERY**

2           **A.       Anticipated Discovery**

3           Plaintiff anticipates propounding written discovery, including document requests,  
4  
5           interrogatory requests and requests for admission, as well as deposition discovery. Plaintiff also  
6           believes that it may be necessary to take significant third party discovery, including discovery of  
7           persons located inside the hotel at the time of the incident and third parties involved in the  
8           dinner/fund raiser for the Legal Community Against Violence, which is why plaintiff was at the  
9           Marriott, and any other witnesses with information relevant to the claims alleged by plaintiff in this  
10          case.

11  
12          **B.       Plaintiff's Statement Regarding Subjects on Which Discovery May Be Needed**

13          (1)       Any discussions that took place between William Lockyer and any person from the  
14          Legal Community Against Violence between May 29, 2005 and November 28, 2007, regarding  
15          plaintiff.

16  
17          (2)       Any discussions that took place between any person at the Attorney General's  
18          Office and any person from the Legal Community Against Violence between May 29, 2005 and  
19          November 28, 2007, regarding plaintiff.

20          (3)       Any discussions that took place between any person employed by the San Francisco  
21          Marriott Hotel and the Legal Community Against Violence between May 29, 2005 and November  
22          28, 2007, regarding plaintiff.

23  
24          (4)       Any discussions that took place between any defendant Igantius Chinn, Blake  
25          Graham, Lee Careaga, John Marsh or Kisu Yo and the Legal Community Against Violence  
26          between May 29, 2005 and November 28, 2007, regarding plaintiff.  
27  
28



1 (5) Any discussions that took place between any defendant Igantius Chinn, Blake  
2 Graham, Lee Careaga, John Marsh or Kisu Yo and any person employed by the San Francisco  
3 Marriott Hotel between May 29, 2005 and November 28, 2007, regarding plaintiff.

4 (6) Any discussions regarding the individual and personal motivations of defendants  
5 Igantius Chinn, Blake Graham, Lee Careaga, John Marsh or Kisu Yo, whose involvement was  
6 clearly excessive, unnecessary and brought for the purposes of harassment.  
7

8 **4. PROTECTIVE ORDER**

9 It may be necessary for plaintiff to file a protective order regarding confidential personal  
10 information that is not relevant to this case.  
11

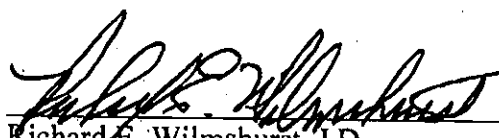
12 **5. LENGTH OF TRIAL**

13 Plaintiff estimates that a trial of this action will take approximately 2 – 3 days.

14 **6. PRETRIAL SCHEDULE**

15 Plaintiff requests that the pretrial schedule shall be made by both parties on or before 30  
16 days after Defendants file their answer in this matter.  
17

18  
19  
20 Date: November 28, 2007

  
Richard E. Wilmshurst, J.D.

Plaintiff, pro se

21  
22  
23 ////

24 ////

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26 ////  
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**PROOF OF SERVICE**

I am a citizen of the United States and am employed in Stanislaus County. I am over the age of eighteen (18) years and not a party to this action; my business address is 1103 S. Main Street, Angels Camp, California 95222.

On November 28, 2007, I served the following documents: **PLAINTIFF'S CASE MANAGEMENT STATEMENT** by placing a true copy thereof enclosed in a sealed envelope and served in the manner and /or manners described below to each of the parties herein and addressed as follows:

**MARRIOTT OF SAN FRANCISCO**  
Agent April Guss/ CSC-Lawyers Inc.  
2730 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833

**SAM SNOWDEN**  
Marriott of San Francisco, Security  
55 Fourth Street  
San Francisco, CA 94103

**IGNATIUS CHINN**  
c/o Alice Galindo, Field Representative  
1435 River Park Drive, #308  
Sacramento, CA 95815

**WILLIAM LOCKYER**  
c/o L. Klear, Security Guard  
Attorney General's Office  
1300 I Street, Suite 124  
Sacramento, CA 94244

**BLAKE GRAHAM**  
c/o Alice Galindo, Field Representative  
1435 River Park Drive, #308  
Sacramento, CA 95815

**LEE CAREAGA**  
c/o Alice Galindo, Field Representative  
1435 River Park Drive, #308  
Sacramento, CA 95815

**JOHN MARSH**  
c/o Alice Galindo, Field Representative  
1435 River Park Drive, #308  
Sacramento, CA 95815

**KISU YO**  
c/o Jessica Antenoracruz, Student Assistant  
11181 Sun Center Drive  
Rancho Cordova, CA 95827

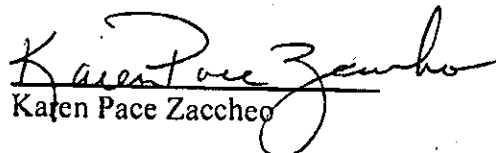
  X  

**BY MAIL:** I caused such envelope(s) to be deposited in the mail at my business address, addressed to the addressee(s) designated. I am readily familiar with RICHARD E. WILMSHURST practices for collection and processing of correspondence and pleadings for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

**BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the addressee(s) designated.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Angels Camp, California, on November 28, 2007.

  
Katen Pace Zaccheo